

**PLANNING BOARD MEETING MINUTES
TUESDAY, MARCH 21, 2006**

MEMBERS PRESENT: Jay Cruz, Chair
Paula Caron, Vice- Chair
John DiPasquale
Paul Fontaine, Jr.
Mike Hurley
Nancy Maynard
Linda Nicholopoulos
Yvette Cooks (associate member)

PLANNING OFFICE: David Streb, Mike O'Hara

Call to Order

Meeting called to order at 6:05 p.m. in the Veteran's Room, First Floor, City Hall.

Communications

ZBA applications, agenda, minutes were passed out to the Board members.

Correspondence

Environmental Notification Forms filed for "Parker Hill Acres" subdivision, Matson Homes, and "Westminster Business Park" off Rt. 31.

Notice rec'd of April 12 Smart Growth conference by N. Central Mass. Realtors.

Notice rec'd of Smart Growth Workshop Weds. 3-22 at Leominster City Hall.

D. Streb stated CDBG funding was submitted by Mayor to City Council -- no changes from the version recommended by Planning Board.

Petition for zoning amendment received. To increase "infill lot" size to 7,500 sq. ft. & require that the infill lot once had a structure on it. Public Hearing will be scheduled for April Planning Board meeting.

Request rec'd from Benjamin Builders for the maximum bond reduction possible on the "Victoria Lane" subdivision. Copies sent to various departments for review. We'll wait to hear from them before determining amount. Board was informed that Engineering Dept. received a letter from Whitman & Bingham stating that the detention basins were built as designed.

Letter received from attorney for Bay Communications requesting extension of Special Permit for Wanoosnoc Road tower. Apparently Nextel has backed out of the project so the condition to improve the road /culvert is moot.

Communication from City Council re: MassDevelopment bond for purchase of building at 167 Klondike Ave. by FSC Foundation. That building would be converted to a maintenance facility and print shop and thus free up space on campus for academic use. Issue was referred to Planning Board to see if consistent with local plan. Building assessed at \$1.2 million. Mr. Cruz expressed concern that industrial property would be taken off tax rolls. City would lose \$220,000 over a ten year period. He suggested that FSC make PILOT payments to makeup the difference. Consensus of Board -- staff should prepare a letter to Council expressing concern about the loss of tax revenue.

Ms. Caron raised concern with proposed 204-unit condo project at former tri-town drive-in in Lunenburg. Concern about traffic where it enters onto Summer Street. There should be a review of traffic & sewer impacts. There should be some mitigation for Fitchburg. Fire coverage & police response may be closer from Fitchburg. Board agreed to advise Council & DPW (will need sewer connections thru Fitchburg) to keep these concerns in mind.

Meeting Minutes

Motion made and seconded to approve minutes of the February 21 meeting as amended by Ms. Caron.
Vote unanimous to approve.

ANR plans

The Board reviewed the following "ANR" plans:

Larkin, 8-10 Taft St.

Plan had been revised from January meeting. Board was informed that the proposed 5,000 sq. ft. Lot 3 will be proposed as an "infill lot" in the future. A note was added to the plan stating that Lot 3 was not a building lot. Board said they wanted to have the plan returned to add a note stating that "endorsement does not mean compliance w/ zoning". Plan was not endorsed.

Gelinas, Fisher Road

Lot 2 (a "rear lot") & Lot 3 split off from parcel. Remainder (Lot 1) has existing dwelling at 890 Fisher Rd. Plan was endorsed.

Cholacki, Ashburnham Hill Rd.

One lot being split off from parcel. Remainder is dwelling at # 56 Ashburnham Hill Rd.
Proposed dwelling on new lot going before Conservation Commission later this month. Plan was endorsed.

MINOR SITE PLAN REVIEW

Brideau Oil, 49 Cobbler Drive

Mark Brideau presented site plan. Proposing to re-use former waste management site to be used as office & garage for Brideau Oil. He has 13 trucks, mainly to be stored inside building.

Ms Caron wants lines on pavement.

Mr. Cruz: will the site be gated: Yes.

Motion made & seconded to approve site plan with conditions:

- Clean up dumpsters on site
- Delineate & stripe parking lines on site.

Vote unanimous to approve site plan.

Quality Fab, 64 Sawyer Passway

Mr. Brazeil presented plan for re-use of former Harper Furniture warehouse at 64 Sawyer Passway. Everything will be stored inside -- no outside storage. Proposing to relocate metal fabricating plant, currently located on Broad Street. Planning to fence site in & expand paving.

Motion made & seconded to approve site plan with conditions:

- If the site has any outside storage in the future, applicant to fence in site on side facing MBTA tracks with an opaque fence.
- Compliance with any requirements of other departments regarding outside storage.

Vote unanimous to approve site plan.

PUBLIC HEARINGS

Special Permit - Pandiscio, "Wanoosnoc Estates" (cont'd from 2-21-06)

Members able to vote: Caron, Cruz, DiPasquale, Hurley, Maynard, Fontaine, Cooks (associate member)
Hearing was re-opened.

Mr. Cruz read e-mail from Joe Pandiscio to Mr. O'Hara that essentially said that they were choosing to go to court rather than provide the additional information requested by the Planning Board.

D. Streb told the Board that that review fees for the traffic peer review & for the completion of the water impact study was not received and the extra information was not received.

Mr. Fontaine suggested that the Board not do anything -- not close hearing.

Ms. Caron - feels pretty comfortable with our stand. Basing decision on lack of information and failure to meet provisions of the Fitchburg Zoning Ordinance for special permits and PUDs.

Board decided to table matter until we can consult with the City Solicitor (was in City Hall).

Opened to public comment:

Steve Holt, Olin Ave. -- where does the matter go now? Answer: back to the Court.

Where does public go to support City's position? Was advised to contact City Solicitor.

In the meantime, D. Streb asked C Solicitor. She recommended the Board continue the meeting to next month so she can talk to Pandiscio's atty. & confirm that e-mail was indeed from Pandiscio.

Ms. Nicholopoulos said we gave them timelines.

Ms. Cooks: concerned about sending the wrong message to the court.

Ms. Caron: The Board was clear about the need for additional information and the peer review.

Mr. DiPasquale: Board should take a vote.

Mr. Cruz read from Board's Special Permit Rule & Regulations regarding review fees, which indicated that refusal to pay review fees can be grounds for denial.

Motion made & seconded to close the public hearing. Vote unanimous.

Mr. Cruz polled the Board: Several members stated they were inclined to deny.

Ms. Cooks said she was originally an advocate for applicant, but he hasn't been cooperative.

Motion made (Ms. Caron) & seconded (Mr. DiPasquale) to deny revised plan. Vote unanimous (7-0) to deny.

Special Permit - Fregosi, 86 Gloria Ave., driveway

Hearing opened. B. Thomas Heinzer, architect, presented plan. Addition is proposed, will need to modify driveway. Grade of driveway will be >5%, but less steep than the existing driveway.

No public comment.

Motion made & seconded to close public hearing. Vote unanimous.

Motion by Mr. Fontaine, seconded by Mr. DiPasquale to grant Special Permit. Vote 7-0 to approve.

Modification of Special Permit - Fairway Homes condominiums, Arn-How Farm Road

Ralph Romano of JCJ presented plan. Due to revisions during ConCom review, plan has changed from the version approved in 2004. Road layout had changed, eliminating a wetland crossing.

Discussion on responsibility for modified sewer pump station at FHS.

Mass Highway feels the Rt. 31/John Fitch Hwy. location is ideal for a roundabout.

Discussion on proposed modifications to special permit conditions as listed in letter from JCJ inc. dated 3-2-06:

Condition #3 - bus turnaround -- would be difficult to locate; on revised plan buses would now have two choices to turnaround. So they request that condition be deleted.

Condition #6 - contribution toward revision of intersection. Request that this be replaced with just doing the design.

(Mr. Romano will make sure the easement mentioned in condition #13 gets on the plan.)

Condition #16 -- proposed to change language.

Mr. Cruz asked if DPW knows about the DEP decision regarding ownership of sewer pump station.

D Streb: Yes.

Mr. Cruz asked for a letter for the DPW stating that the Fairway Homes condo assoc. will pay for cost of back-up generator, maintenance costs, capital reserve, etc.

Mr. Romano: the proposed work at Arn-How Farm Rd. & Rt. 31 will be ripped up by MHD in two years because they want to raise the level of the roadway 18-inches for sight lines. They proposed doing design to MHD standards.

Mike Donnelly, 883 Mt. Elam Rd. -- maintenance of detention pond is an issue. Perhaps city should propose a maintenance fee for developments to maintain new detention basins.

Public comment: Dave Nickless, 699 Arn-how Farm Rd. -- Roundabout in light of teenage drivers in area doesn't make sense. Also maintenance for sewer pump station -- at least \$100K should be set aside to pay for repairs if something happens. Arn-How Farm/Billings intersection -- wasn't there going to be a "T" intersection? Arn-How Farm widening - do we have the easements & gifts of land for there & Arn-How Farm Rd./Rt. 31 intersection?

Mr. Romano - widening of Arn-How Farm Rd. will occur within existing right of way as much as possible. They're taking two feet, plus sidewalk. The Arn-How Farm/Billings intersection improvements are not shown on the current site plan.

Mr. Cruz said he'd like to talk to Dept. heads before making decision.

Mr. Fontaine has no problem voting on the item now.

Motion made & seconded to close public hearing. Board will have vote on next meeting's agenda.

Repetitive Petition (Special Permit) - Mendes, 119-121 Day St.

Hearing opened. Special Permit for conversion to a three-family had been denied by Board 1-24-06.

Mr. Mendes had submitted revised plan showing how additional parking spaces could be fit on site.

Public comment:

Michael Donnelly, 863 Mt. Elam Rd. - owns property nearby site. He felt a 3-family is more commercial and less apt to be owner-occupied. There is no parking east side of Day St. Have reaching the carrying capacity of the neighborhood. He believes another unit will degrade the property & the neighborhood.

Discussion about revised plan. Although scale is the same as previous plan, it appears size of typical vehicle got smaller from the original plan (dimensions were 4.5' x 12'). Motion made & seconded to deny a reconsideration of the Special Permit denial. Vote 7-0 to deny reconsideration.

Site Plan Review - Fitchburg Affordable Housing Corp., 470 Main St. (Banknorth bldg.) conversion to 31 residential units

Marianne Graham, CDC's Director of Housing Development presented proposal to convert upper floors of Banknorth building. Project will be owned by the CDC. First floor will remain commercial. Upper floors

will be a mix of affordable and market rate housing. They will have a separate residential entryway at the rear of the building. They have agreement with City Treasurer to reserve sufficient parking in the two City garages for commercial & residential tenants.

Board suggested showing on site plan:

- Add drive-up area (pull-up/drop off for groceries, essentials etc.) along Boulder Drive side of building
- Add landscaping/green space along Boulder Drive frontage
- Show screened/covered area for rubbish collection for 32 units. If interior to building then place notation on plan indicating that no rubbish is to be stored outside.

D. Streb suggested that maybe they don't need two spaces per unit. The Board felt otherwise.

CDC hopes to be ready to submit plans at the next meeting.
Hearing continued to April 18th.

OTHER BUSINESS

"Oak Ridge" condominiums - revisions

Peter Bovenzi presented proposed changes to road layout, street names, some minor changes in building footprints, some 8-unit buildings changed to 6, etc. Number of units does not change, still 118 units. He stated 8-10 units are owned by Oak Hill Country Club members who use the adjacent golf course.

Units sold already in condo developments:

Oak Ridge	34
Bridle Cross	180
Chamberlain Hill	34

Motion made (Mr. Fontaine) & seconded (Mr. DiPasquale) to approve the minor changes to the "Oak Ridge" Special Permit. Vote 7-0 to approve.

"Mt. Elam Peak" subdivision - lot releases

Request from Atty. Watts to release Lots 7 & 15 from the Subdivision covenant. DPW-Engineering has reviewed -- says it's OK to release those 2 lots -- doesn't need to add to amount of performance guarantee. Any more releases will have to be reviewed by Engineering & Board.

Meeting adjourned: 9:45 p.m.

Next meeting: April 18, 2006

Approved: April 18, 2006